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DEPT FOR AF/E

E.O. 12958: DECL: 04/08/2018

TAGS: [OTRA](#) [ASEC](#) [PREL](#) [SO](#)

SUBJECT: Somalia -- Country Clearance for Contractors

REF: A) Draft AF/EX cable 01/31/2007 B) Nairobi 637 C) 2007 Nairobi

1014

Classified by PolOff Mitch Benedict for Reasons 1.4 (b, d)

11. (U) This is an action request, see para 6.

12. (C) In order to implement more effectively USG assistance programs designed to support capacity building of the Transition Federal Institutions (TFIs), Post requests that a new policy be established that will permit USAID contractors to travel to Somalia without having to obtain prior country clearance from Washington. Current country clearance procedures for Somalia, as outlined in a draft cable provided to Post (Ref A), while created for USG personnel, have been applied equally to contractors (but not/not grantees) as well as USG personnel.

13. (C) Because of the inability to obtain consistent country clearance approval for non-DOD contractors, and the bureaucratic and administrative burden that repeated requests would involve should USAID attempt to use contract mechanisms, the practice has been to funnel all USG assistance for Somalia through grant mechanisms. Of the approximately 20 grantee partners of all USAID agencies working in Somalia there are upward of 50 international and AMCIIT staff working in Somalia on any given day implementing over \$100 million of U.S. supported programming. Grants are an effective and primary tool in the provision of humanitarian assistance, and some types of development assistance. However, a grant may not always be the best tool when it comes to some of the more sensitive programs, such as improving governance, building a democracy, or implementing security sector reform initiatives.

14. (C) One downside of using grantees - such as the UN - is that they are subject to relatively little USG direction or control. A contract, on the other hand, would allow much greater USG direction and involvement to ensure that implementing partners carry out USG foreign policy priorities and objectives. Because of the issue of travel USAID is unable to engage contractors for work in Somalia - just as USAID would be unable to use grantees if country clearance was required. Ref B is a case in point. Current procedures, designed for USG employees, in which travel details, a "threat assessment" and "security plan" (which presume the involvement of Diplomatic Security elements) are inappropriate and unnecessary both for grantees as well as contractors.

15. (C) Although regulations require unequivocally M clearance for USG employees, there is no formal State or USAID policy or regulation requiring country clearance for employees of outside institutional contractors. Informal requests for guidance have generated conflicting replies, both over time and from within the same office. The practice in such high-risk conflict zones as Afghanistan or Iraq has been mixed and there is no standard approach. USAID legal counsel has indicated that the use of institutional contractors (who,

like grantees, would travel without Washington-granted country clearance) in high-risk environments does not pose any undue liability risk to the USG. Such contractors routinely operate in Afghanistan, Iraq, Sudan and elsewhere.

¶6. (C) USAID grantees, like all international agencies working in Somalia, have established extensive security guidelines which restrict their travel to parts of Somalia which are considered safe. This has worked well, and USAID contractors could easily follow similar guidelines and procedures. In order to put contractors on a more equal footing with grantees, and to accomplish USG policies and priorities in Somalia much more effectively, we seek authorization from Washington for Nairobi COM to grant approval for contractor travel. We would keep Washington apprised of all such travel.

RANNEBERGER